

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**RUTH MCDONNELL and,
GARY MCDONNELL,**

Plaintiffs,

v.

FLOWONIX MEDICAL INC.,

Defendant.

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CIVIL ACTION

NO. 21-1404

ORDER

AND NOW, this 25th day of January 2022, upon consideration of Defendant's Partial Motion to Dismiss (ECF No. 13), Plaintiffs' Response in Opposition (ECF No. 14), and Defendant's Reply Brief (ECF No. 17), **IT IS HEREBY ORDERED AND DECREED** that Defendant's Motion is **GRANTED IN PART and DENIED IN PART** as follows:

1. The Motion is **GRANTED** as to Counts II, III and IV;
 - a. Counts II, III and IV are **DISMISSED WITH PREJUDICE**; and
2. The Motion is **DENIED** in all other respects.

BY THE COURT:

/s/ Petrese B. Tucker

Hon. Petrese B. Tucker, U.S.D.J.